

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**BERNARD MCGEE  
aka Pete Smith**

\*  
\*  
\*  
\*  
\*

**Criminal No. 10-00162-CG**

**UNITED STATES' NOTICE OF INTENT TO INTRODUCE TESTIMONY  
OF EXPERT AT TRIAL PURSUANT TO RULE 16(a)(1)(G), FEDERAL  
RULES OF CRIMINAL PROCEDURE**

COMES NOW the United States of America, by and through the United States Attorney for the Southern District of Alabama, and hereby gives notice of its intent to introduce testimony of an expert at trial, under Rules 702 and 703, Federal Rules of Evidence. *See also* Rule 16(a)(1)(G), Federal Rules of Criminal Procedure.

The United States intends to elicit the testimony of Eric Waldrep with Foley Police Department with regard to photos taken and recovered from the Apple I-Phone. The photos taken and recovered from the Apple I-Phone, along with forensic evidence has been previously made available for viewing through defendant's counsel and the defense counsel has viewed the photographs and the forensic evidence. A copy of Mr. Waldrep's curriculum vitae is being provided to defendant through his counsel under separate cover.

Respectfully submitted,

KENYEN R. BROWN  
UNITED STATES ATTORNEY  
By:

/s/ Joshua S. Bearden  
Joshua S. Bearden (BEARJ7503)

/s/ Vicki M. Davis

Vicki M. Davis (DAVIV5174)  
Assistant United States Attorneys  
United States Attorney's Office  
63 South Royal Street, Suite 600  
Mobile, Alabama 36602

**CERTIFICATE OF SERVICE**

I hereby certify that on October 6, 2010, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Gregory Hughes, counsel of record for defendant.

/s/ Joshua S. Bearden

Joshua S. Bearden  
Assistant United States Attorney